

## General Civil and Domestic Relations Case Filing Information Form

CLERK OF SUPERIOR COURT  
MCINTOSH COUNTY, GEORGIA Superior or  State Court of McIntoshCounty **SUV2021000021**

FEB 19, 2021 11:33 AM

For Clerk Use Only

Date Filed 02-19-2021Case Number SUV2021000021

MM-DD-YYYY

  
Mandy Harrison  
Mandy Harrison, Clerk  
McIntosh County, Georgia**Plaintiff(s)**

Moore, Darian

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Williams, Mr. Nathan T**Defendant(s)**

Nova Logistics, Inc.

Last	First	Middle I.	Suffix	Prefix
Cartagena, Michel				
Last	First	Middle I.	Suffix	Prefix
Protective Insurance Company				
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Bar Number 142417Self-Represented 

Check one case type and, if applicable, one sub-type in one box.

**General Civil Cases**

- Automobile Tort
- Civil Appeal
- Contract
- Contempt/Modification/Other
- Post-Judgment
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

**Domestic Relations Cases**

- Adoption
- Contempt
  - Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate
- Maintenance/Alimony
- Family Violence Petition
- Modification
  - Custody/Parenting Time/Visitation
  - Paternity/Legitimation
  - Support – IV-D
  - Support – Private (non-IV-D)
  - Other Domestic Relations

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required \_\_\_\_\_

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA**

EFILED IN OFFICE  
CLERK OF SUPERIOR COURT  
MCINTOSH COUNTY, GEORGIA  
**SUV2021000021**

FEB 19, 2021 11:33 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

CIVIL ACTION NUMBER SUV2021000021

Moore, Darian

**PLAINTIFF**

VS.

Nova Logistics, Inc.  
Cartagena, Michel  
Protective Insurance Company

**DEFENDANTS**

**SUMMONS**

TO: NOVA LOGISTICS, INC.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Nathan T Williams  
Williams Litigation Group, PC  
PO Box 279  
Brunswick , Georgia 31521-0279

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If this action pertains to a Protective Order, the Answer is to be filed and served on or before the scheduled hearing date attached. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 19th day of February, 2021.

Clerk of Superior Court

*Mandy Harrison*

Mandy Harrison, Clerk  
McIntosh County, Georgia

EFILED IN OFFICE  
CLERK OF SUPERIOR COURT  
MCINTOSH COUNTY, GEORGIA  
**SUV2021000021**

**IN THE SUPERIOR COURT OF McINTOSH COUNTY  
STATE OF GEORGIA**

**FEB 19, 2021 11:33 AM**

**DARIAN MOORE,**

Plaintiff,

v.

**NOVA LOGISTICS, INC.,  
MICHEL CARTAGENA and  
PROTECTIVE INSURANCE,**

Defendant.

Case No.: \_\_\_\_\_

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

---

**COMPLAINT FOR DAMAGES**

Darian Moore, Plaintiff, in the above-captioned matter, files this Complaint for Damages, and shows this Court the following:

1. Plaintiff, Darian Moore, is a resident of McIntosh County, Georgia and submits to the jurisdiction of the Court for filing this lawsuit.
2. Defendant Nova Logistics, Inc. ("Nova") is an Illinois Corporation authorized to do business in the State of Georgia. It may be served through its registered agent, Nikolay Mollov at 232 Howard Avenue, Des Plaines, Illinois 60018.
3. Defendant Michel Cartagena ("Cartagena") is a resident of Bernalillo County, New Mexico and may be served at his home address, 10328 Pintura Place, NW, Albuquerque, New Mexico 87114.
4. Defendant Protective Insurance Company ("Protective") issued indemnity insurance Policy No. MD00013919 to Nova to provide for the protection of the general traveling public against injury proximately caused by the negligence of its insured and the tractors and trailers its insured operates. Pursuant to O.C.G.A. § 40-2-140(d)(4), this Court has personal jurisdiction over Protective. Protective can be served through its registered agent, Corporation Service Company, at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092.
5. Jurisdiction and venue are proper in this Court.

**GENERAL ALLEGATIONS**

6. On September 14, 2020, Plaintiff was a passenger in an automobile being driven by Joewan Moore (hereinafter "Moore").

7. Moore was traveling northbound on I-95 in the middle lane in McIntosh County, Georgia and was at all times relevant to this matter driving in conformance with Georgia law.
8. At approximately the same time, Cartagena was also traveling northbound on I-95 in the left far lane while driving a tractor-trailer.
9. At all relevant times hereto, Cartagena was working within the scope of his employment with Nova Logistics, Inc.
10. Moore's vehicle began experiencing mechanical problems.
11. Moore saw the D.O.T. turn-around, put his blinker on, slowed down and changed lanes from the middle to the far left with the intention of entering the west shoulder.
12. As shown by Cartagena's dashboard camera, Cartagena noticed Moore's vehicle turn his blinker on and begin to change lanes.
13. However, Cartagena made no effort to slow down or otherwise attempt to allow Moore to merge into the lane.
14. Moore's vehicle was approximately two-thirds into the far-left lane of travel at the time his vehicle was struck by Cartagena.
15. At the time Cartagena negligently collided Moore's vehicle, Defendant was severely intoxicated.
16. Cartagena was cited for driving under the influence of drugs, less safe.
17. As a direct result of Cartagena's actions, Plaintiff sustained injuries and damages.

#### **CAUSE OF ACTION**

##### **Count I -Negligence and Negligence Per Se**

18. Cartagena, as a driver of a motor vehicle upon the roads of this state, owed Plaintiff a duty to operate his vehicle in a safe and reasonable manner.
19. Cartagena violated the aforementioned duty by driving under the influence of drugs, less safe.
20. Plaintiff was not negligent, nor did she contribute to the accident in question.
21. The investigating officer concluded Cartagena was at fault for driving under the influence of drugs, less safe.

##### **Count II -Punitive Damages**

22. Cartagena's conduct described above, which proximately caused the injuries and damages alleged herein, constitutes a willful, wantonness, and

reckless disregard for Plaintiff's safety, and entitles Plaintiff to punitive damages under O.C.G.A. § 51-12-5.1.

**Count III - Respondeat Superior**

23. Nova is responsible under the theory of Respondeat Superior in the following particulars:

- (a) Nova is responsible for the actions of its employees, and in this case, the actions of Cartagena, during the course of his employment;
- (b) Nova knew or in the exercise of ordinary care, should have known, Cartagena, was unsuited or incapable of operating the construction truck safely;
- (c) Nova failed to provide Cartagena with proper training;
- (d) Nova failed to properly supervise Cartagena;
- (e) Nova failed its duty to the public in other respects not now known to the Plaintiff, but which may become known prior to or at the time of trial.

**Count IV - Third Party Contract Beneficiary Claims Against Defendant General Insurance**

24. As Protective issued indemnity insurance policy number MD00013919 to provide for protection of the Georgia traveling public (including Plaintiff) against injury proximately caused by the negligence Nova and the construction truck it operated, Protective is directly liable to Plaintiff for her damages pursuant to O.C.G.A. § 40-2-140 on a theory of contract under which Plaintiff is afforded third-party indemnity coverage by Protective for Plaintiff's compensable losses.

**DAMAGES**

25. Plaintiff has incurred damages related to pain, suffering, and medical expenses for the treatment of his injuries.

26. Plaintiff will likely incur damages for future medical treatment.

27. All of Plaintiff's damages referenced herein are directly related to Defendant's actions.

WHEREFORE, Plaintiff prays for the following relief:

- a) That summons and process issue and be served upon Defendants;
- b) Trial by jury;
- c) That Plaintiff be awarded an appropriate sum to compensate him for his injuries and damages;

- d) That Plaintiff be awarded punitive damages for Cartagena's willful and wanton actions; and
- e) Such other and further relief as this court deems just and proper.

Respectfully submitted, this 19<sup>th</sup> day of February, 2021.

/s/Nathan T. Williams

Nathan T. Williams  
Georgia Bar No. 142417  
Attorney for Plaintiff

THE WILLIAMS LITIGATION GROUP, P.C.  
Post Office Box 279  
Brunswick, Georgia 31521-0279  
912-208-3721  
912-264-6299 facsimile

/s/ J. Alan Welch

J. Alan Welch  
Georgia Bar No.: 747405  
Attorney for Plaintiff

2225 Gloucester Street  
Brunswick, Georgia 31520  
Phone: 912-265-9811  
Fax: 912-265-7780  
jalanwelchlaw@bellsouth.net

## SHERIFF'S ENTRY OF SERVICE

SC-85-2

Civil Action No. AV202101121Date Filed 2/19/21Superior Court State Court Juvenile Court Georgia, PlaintiffMagistrate Court Probate Court COUNTY DeKalb County

## Attorney's Address

NOAH T WILLIAMS  
PC Pk 279BIRMINGHAM, AL 3521

## Name and Address of Party to be Served

DeKalb County SheriffDeKalb County SheriffDeKalb County SheriffDeKalb County Sheriff

Plaintiff

NOAH T WILLIAMSDeKalb County Sheriff

Defendant

Garnishee

## SHERIFF'S ENTRY OF SERVICE

PERSONAL

I have this day served the defendant \_\_\_\_\_ personally with a copy  
 of the within action and summons.

NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a  
copy of the action and summons at his most notorious place of abode in this County.

CORPORATION

 Delivered same into hands of \_\_\_\_\_ described as follows  
age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of  
defendant.

TACK &amp; MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises  
 designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in  
an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing  
notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

 Diligent search made and defendant \_\_\_\_\_  
not to be found in the jurisdiction of this Court.This 1 day of February, 2021.

DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

FEB 19, 2021 11:33 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

CIVIL ACTION NUMBER SUV2021000021

Moore, Darian

---

**PLAINTIFF**

VS.

Nova Logistics, Inc.  
Cartagena, Michel  
Protective Insurance Company

---

**DEFENDANTS**

**SUMMONS**

TO: CARTAGENA, MICHEL

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Nathan T Williams  
Williams Litigation Group, PC  
PO Box 279  
Brunswick , Georgia 31521-0279**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If this action pertains to a Protective Order, the Answer is to be filed and served on or before the scheduled hearing date attached. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 19th day of February, 2021.

Clerk of Superior Court

*Mandy Harrison*

Mandy Harrison, Clerk  
McIntosh County, Georgia

FEB 19, 2021 11:33 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

CIVIL ACTION NUMBER SUV2021000021

Moore, Darian

---

**PLAINTIFF**

VS.

Nova Logistics, Inc.  
Cartagena, Michel  
Protective Insurance Company

---

**DEFENDANTS**

**SUMMONS**

TO: NOVA LOGISTICS, INC.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Nathan T Williams  
Williams Litigation Group, PC  
PO Box 279  
Brunswick , Georgia 31521-0279**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If this action pertains to a Protective Order, the Answer is to be filed and served on or before the scheduled hearing date attached. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 19th day of February, 2021.

Clerk of Superior Court

*Mandy Harrison*

Mandy Harrison, Clerk  
McIntosh County, Georgia

FEB 19, 2021 11:33 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

CIVIL ACTION NUMBER SUV2021000021

Moore, Darian

---

**PLAINTIFF**

VS.

Nova Logistics, Inc.  
Cartagena, Michel  
Protective Insurance Company

---

**DEFENDANTS**

**SUMMONS**

TO: PROTECTIVE INSURANCE COMPANY

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Nathan T Williams  
Williams Litigation Group, PC  
PO Box 279  
Brunswick , Georgia 31521-0279**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If this action pertains to a Protective Order, the Answer is to be filed and served on or before the scheduled hearing date attached. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 19th day of February, 2021.

Clerk of Superior Court

*Mandy Harrison*

Mandy Harrison, Clerk  
McIntosh County, Georgia

FEB 19, 2021 11:33 AM

**IN THE SUPERIOR COURT OF McINTOSH COUNTY  
STATE OF GEORGIA**

**DARIAN MOORE,**

Plaintiff,

v.

**NOVA LOGISTICS, INC.,  
MICHEL CARTAGENA and  
PROTECTIVE INSURANCE,**

Defendant.

Case No.: \_\_\_\_\_

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

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**CERTIFICATE OF SERVICE PURSUANT TO  
UNIFORM SUPERIOR COURT RULE 5.2**

Plaintiff files this Certificate in compliance with Uniform Superior Court Rule 5.2 as follows:

- **Plaintiff's First Interrogatories to Defendant Nova Logistics, Inc.;**
- **Plaintiff's First Request for Production of Documents to Defendant Nova Logistics, Inc.;**
- **Plaintiff's First Interrogatories to Defendant Michel Cartagena;**
- **Plaintiff's First Request for Production of Documents to Defendant Michel Cartagena;**

The foregoing was served on the Defendant with a copy of the Complaint and Summons via Sheriff's Department.

Respectfully submitted, this 19<sup>th</sup> day of February, 2021.

/s/Nathan T. Williams

Nathan T. Williams  
Georgia Bar No. 142417  
Attorney for Plaintiff

THE WILLIAMS LITIGATION GROUP, P.C.  
Post Office Box 279  
Brunswick, Georgia 31521-0279  
912-208-3721  
912-264-6299 facsimile

/s/ J. Alan Welch  
J. Alan Welch  
Georgia Bar No.: 747405  
Attorney for Plaintiff

2225 Gloucester Street  
Brunswick, Georgia 31520  
Phone: 912-265-9811  
Fax: 912-265-7780  
jalanwelchlaw@bellsouth.net

EFILED IN OFFICE  
CLERK OF MUNICIPAL COURT  
MCINTOSH COUNTY, GEORGIA  
**SUV2021000021**  
Superior Court  Magistrate Court   
State Court  Probate Court   
Juvenile Court   
Georgia, *McIntosh*  
*Dorian Moore*  
COUNTY *Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

## SHERIFF'S ENTRY OF SERVICE

SC-85-2

Civil Action No. **SUV2021000021**  
Date Filed **2/19/21**

## Attorney's Address

*Nathan T. Williams*  
PO Box 279  
Brunswick, GA 31521

## Name and Address of Party to be Served

*Protective Insurance Company*  
*RIA Corporation Service Company*  
*40 Technology Parkway South, Suite 300*  
*Norcross, Georgia 30092*

## SHERIFF'S ENTRY OF SERVICE

Plaintiff

VS.

*Nova Logistics Inc, Michel Cartagena,*  
*+ Protective Insurance Company*

Defendant

RECEIVED  
2021 FEB 26 AM 10:08  
CIVIL DIVISION  
Garnishee

PERSONAL

I have this day served the defendant \_\_\_\_\_

 of the within action and summons.

personally with a copy

NOTORIOUS

I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

 Delivered same into hands of \_\_\_\_\_ described as follows age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of defendant.

CORPORATION

Served the defendant *Protective Insurance Company -* a corporation  
 by leaving a copy of the within action and summons with *Aligha Smith* in charge of the office and place of doing business of said Corporation in this County.

TACK &amp; MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

 Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.This 1 day of Mar, 21.

DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

MAR 17, 2021 02:59 PM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA

DARIAN MOORE,

)

)

Plaintiff,

)

)

vs.

)

NOVA LOGISTICS, INC., MICHEL  
CARTAGENA and PROTECTIVE  
INSURANCE COMPANY

)

)

)

)

Defendants.

)

Civil Action No.: SUV2021000021

**ACKNOWLEDGEMENT OF SERVICE**

NOW COME NOVA LOGISTICS, INC. and MICHEL CARTAGENA (hereinafter "Defendants"), named defendants herein, by and through their undersigned counsel, and hereby acknowledge receipt of the Summons and Complaint. All defenses as to lack of service of process and insufficiency of process of service of process as to Defendants are waived, while all other defenses otherwise available to Defendants in this action are reserved. Defendants acknowledge that they will have thirty (30) days after the date of the signature of the Acknowledgement of Service to file their Answer or otherwise respond to Plaintiff's Complaint for Damages.

This 17th day of March 2021.

**HUNTER, MACLEAN, EXLEY & DUNN, P.C.**

/s/TAYLOR L. DOVE

Bradley M. Harmon  
Georgia Bar No. 327097  
Taylor L. Dove  
Georgia Bar No. 993210  
*Attorney for Defendants*

200 East Saint Julian Street  
Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Facsimile: 912.236.4936  
Email: BHarmon@HunterMaclean.com  
Email: TDove@HunterMaclean.com

**IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA**

DARIAN MOORE, )  
vs. )  
Plaintiff, )  
vs. )  
NOVA LOGISTICS, INC., MICHEL )  
CARTAGENA and PROTECTIVE )  
INSURANCE COMPANY, )  
Defendants. )  
Civil Action No.: SUV2021000021

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing  
**ACKNOWLEDGEMENT OF SERVICE** upon all counsel of record in this matter via U.S. Mail  
and/or the Court's electronic filing system which will deliver a copy to the following:

Nathan T. Williams  
The William Litigation Group, P.C.  
P.O. Box 279  
Brunswick, GA 31521

J. Alan Welch  
2225 Gloucester Street  
Brunswick, GA 31520

Respectfully submitted this 17<sup>th</sup> day of March 2021.

## HUNTER, MACLEAN, EXLEY & DUNN, P.C.

/s/ Taylor L. Dove  
Taylor L. Dove  
Georgia Bar No. 993210  
*Attorney for Defendants*

Post Office Box 9848  
Savannah, GA 31412-0048  
(912) 236-0261 - Tel.  
(912) 236-4936 - Fax  
tdove@huntermaclean.com

MAR 26, 2021 09:51 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA

DARIAN MOORE, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 NOVA LOGISTICS, INC., MICHEL ) Civil Action No.: SUV2021000021  
CARTAGENA and PROTECTIVE )  
INSURANCE COMPANY, )  
 )  
 DEFENDANTS. )

**ANSWER OF DEFENDANT PROTECTIVE INSURANCE COMPANY TO  
PLAINTIFF'S COMPLAINT**

NOW COMES Protective Insurance Company ("Defendant"), defendant in the above-styled action, and file this its Answer to the Complaint filed by Plaintiff Darian Moore (hereinafter "Plaintiff") as follows:

**FIRST DEFENSE**

Plaintiff fails to state a claim upon which relief may be granted and the Complaint should be dismissed.

**SECOND DEFENSE**

Plaintiff's Complaint should be dismissed for lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process and service of process, and failure to join all persons needed for just adjudication.

**THIRD DEFENSE**

Plaintiff's claims may be barred by the doctrine of sudden emergency or act of God.

**FOURTH DEFENSE**

Plaintiff's damages, if any, were caused by the intervening or supervening act of another person or entity.

**FIFTH DEFENSE**

Plaintiff's claims may be barred by the statute of limitations.

**SIXTH DEFENSE**

Plaintiff's claims may be barred, in whole or in part, by Plaintiff's failure to mitigate such damages.

**SEVENTH DEFENSE**

Defendant raises each and every affirmative defense which is required to be set forth in Defendant's pleadings pursuant to O.C.G.A. § 9-11-8(c), reserving unto itself the right to amend the pleading to set forth with specificity the basis for such defenses which may appear appropriate as a result of the evidence and legal principles involved which show the same to be applicable. Defendant has insufficient knowledge and information upon which to form a belief as to whether it may have additional, as yet unstated, separate defenses available. Defendant reserves the right to assert further defenses in the event that they determine that such defenses are appropriate.

**EIGHTH DEFENSE**

Subject to and without waiving the defenses asserted above, Defendant responds to the specific enumerated paragraphs of the Plaintiff's Complaint as follows:

1.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Plaintiff's Complaint.

2.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Plaintiff's Complaint.

3.

Defendant is without sufficient knowledge or information to form a belief as to the truth of

the allegations contained in Paragraph 3 of the Plaintiff's Complaint.

4.

Defendant admits that it issued a liability policy to Nova Logistics, Inc. (Policy No. MD139) that was in effect at the time of the incident complained of. Defendant further admits that it is subject to the jurisdiction and venue of this court. Defendant denies any remaining allegations contained in Paragraph 4 of the Plaintiff's Complaint.

5.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Plaintiff's Complaint.

#### **GENERAL ALLEGATIONS**

6.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Plaintiff's Complaint.

7.

Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8.

Defendant admits the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Plaintiff's Complaint.

10.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Plaintiff's Complaint.

11.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

12.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Plaintiff's Complaint.

13.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Plaintiff's Complaint.

14.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 14 of the Plaintiff's Complaint.

15.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Plaintiff's Complaint.

16.

Defendant admits the allegations contained in Paragraph 16 of the Plaintiff's Complaint.

17.

Defendant denies the allegations contained in Paragraph 17 of the Plaintiff's Complaint.

### **CAUSE OF ACTION**

#### **Count I – Negligence and Negligence Per Se**

18.

Defendant admits the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 19 of the Plaintiff's Complaint.

20.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Plaintiff's Complaint.

21.

Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

**Count II – Punitive Damages**

22.

Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Complaint.

**Count III – Respondeat Superior**

23.

Defendant denies the allegations contained in Paragraph 23 of Plaintiff's Complaint, including all subparagraphs.

**Count IV – Third Party Contract Beneficiary Claims Against Defendant General Insurance**

24.

Defendant denies the allegations contained in Paragraph 24 of Plaintiff's Complaint.

**DAMAGES**

25.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Plaintiff's Complaint.

26.

Defendant is without sufficient knowledge or information to form a belief as to the truth of

the allegations contained in Paragraph 26 of the Plaintiff's Complaint.

27.

Defendant denies the allegations contained in Paragraph 27 of the Plaintiff's Complaint.

**NINTH DEFENSE**

To the extent the Plaintiff's Complaint contains any allegations not responded to hereinabove, those allegations are hereby denied, including the entirety of the Plaintiff's Prayer for Relief.

WHEREFORE, having fully responded, Defendant respectfully requests as follows:

- a) That Plaintiff's Complaint be dismissed with prejudice and that all of Plaintiff's claims be denied;
- b) That all costs in this action be cast against Plaintiff;
- c) That this Honorable Court award any and all such further relief as it deems just and proper.

Respectfully submitted this 26th day of March 2021.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

*/s/Taylor L. Dove*

---

Taylor L. Dove  
Georgia Bar No. 993210  
Bradley M. Harmon  
Georgia Bar No. 327097  
Attorneys for Defendant Protective Insurance Company

200 East Saint Julian Street  
Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Facsimile: 912.236.4936  
Email: [tdove@huntermaclean.com](mailto:tdove@huntermaclean.com)  
Email: [bharmon@huntermaclean.com](mailto:bharmon@huntermaclean.com)

IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA

DARIAN MOORE, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 NOVA LOGISTICS, INC., MICHEL ) Civil Action No.: SUV2021000021  
 CARTAGENA and PROTECTIVE )  
 INSURANCE COMPANY, )  
 )  
 DEFENDANTS. )  
 )

---

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **ANSWER OF DEFENDANT PROTECTIVE INSURANCE COMPANY TO PLAINTIFF'S COMPLAINT** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed and by using the CM/ECF system which will send a notice of electronic filing to the following:

Nathan T. Williams  
The Williams Litigation Group, P.C.  
P.O. Box 279  
Brunswick, GA 31521

J. Alan Welch  
J. Alan Welch Law  
2225 Gloucester Street  
Brunswick, GA 31520

Respectfully submitted this 26th day of March 2021.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

/s/Taylor L. Dove

Taylor L. Dove  
Georgia Bar No. 993210  
Attorney for Defendant Protective Insurance Company

Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Email: [tdove@huntermaclean.com](mailto:tdove@huntermaclean.com)

MAR 26, 2021 09:53 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
STATE OF GEORGIA

DARIAN MOORE, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 NOVA LOGISTICS, INC., MICHEL ) Civil Action No.: SUV2021000021  
CARTAGENA and PROTECTIVE )  
INSURANCE COMPANY, )  
 )  
 DEFENDANTS. )

**ANSWER OF DEFENDANT NOVA LOGISTICS, INC. TO PLAINTIFF'S  
COMPLAINT**

NOW COMES Nova Logistics, Inc. ("Defendant"), defendant in the above-styled action, and file this its Answer to the Complaint filed by Plaintiff Darian Moore (hereinafter "Plaintiff") as follows:

**FIRST DEFENSE**

Plaintiff fails to state a claim upon which relief may be granted and the Complaint should be dismissed.

**SECOND DEFENSE**

Plaintiff's Complaint should be dismissed for lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process and service of process, and failure to join all persons needed for just adjudication.

**THIRD DEFENSE**

Plaintiff's claims may be barred by the doctrine of sudden emergency or act of God.

**FOURTH DEFENSE**

Plaintiff's damages, if any, were caused by the intervening or supervening act of another person or entity.

**FIFTH DEFENSE**

Plaintiff's claims may be barred by the statute of limitations.

**SIXTH DEFENSE**

Plaintiff's claims may be barred, in whole or in part, by Plaintiff's failure to mitigate such damages.

**SEVENTH DEFENSE**

Defendant raises each and every affirmative defense which is required to be set forth in Defendant's pleadings pursuant to O.C.G.A. § 9-11-8(c), reserving unto itself the right to amend the pleading to set forth with specificity the basis for such defenses which may appear appropriate as a result of the evidence and legal principles involved which show the same to be applicable. Defendant has insufficient knowledge and information upon which to form a belief as to whether it may have additional, as yet unstated, separate defenses available. Defendant reserves the right to assert further defenses in the event that they determine that such defenses are appropriate.

**EIGHTH DEFENSE**

Subject to and without waiving the defenses asserted above, Defendant responds to the specific enumerated paragraphs of the Plaintiff's Complaint as follows:

1.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Plaintiff's Complaint.

2.

Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Plaintiff's Complaint.

4.

Defendant admits that it holds a liability insurance policy (Policy No. MD00013919) with Protective Insurance Company. Defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 4 of the Plaintiff's Complaint.

5.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Plaintiff's Complaint.

#### **GENERAL ALLEGATIONS**

6.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Plaintiff's Complaint.

7.

Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8.

Defendant admits the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9.

Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Plaintiff's Complaint.

11.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

12.

Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13.

Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Plaintiff's Complaint.

16.

Defendant admits the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17.

Defendant denies the allegations contained in Paragraph 17 of the Plaintiff's Complaint.

### **CAUSE OF ACTION**

#### **Count I – Negligence and Negligence Per Se**

18.

Defendant admits the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Plaintiff's Complaint.

21.

Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

**Count II – Punitive Damages**

22.

Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Complaint.

**Count III – Respondeat Superior**

23.

Defendant denies the allegations contained in Paragraph 23 of Plaintiff's Complaint, including all subparagraphs.

**Count IV – Third Party Contract Beneficiary Claims Against Defendant General Insurance**

24.

Defendant denies the allegations contained in Paragraph 24 of Plaintiff's Complaint.

**DAMAGES**

25.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Plaintiff's Complaint.

26.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Plaintiff's Complaint.

27.

Defendant denies the allegations contained in Paragraph 27 of the Plaintiff's Complaint.

**NINTH DEFENSE**

To the extent the Plaintiff's Complaint contains any allegations not responded to hereinabove, those allegations are hereby denied, including the entirety of the Plaintiff's Prayer for Relief.

WHEREFORE, having fully responded, Defendant respectfully requests as follows:

- a) That Plaintiff's Complaint be dismissed with prejudice and that all of Plaintiff's claims be denied;
- b) That all costs in this action be cast against Plaintiff;
- c) That this Honorable Court award any and all such further relief as it deems just and proper.

Respectfully submitted this 26th day of March 2021.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

*/s/Taylor L. Dove*

---

Taylor L. Dove  
Georgia Bar No. 993210  
Bradley M. Harmon  
Georgia Bar No. 327097  
Attorneys for Defendant Nova Logistics, Inc.

200 East Saint Julian Street  
Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Facsimile: 912.236.4936  
Email: [tdove@huntermaclean.com](mailto:tdove@huntermaclean.com)  
Email: [bharmon@huntermaclean.com](mailto:bharmon@huntermaclean.com)

IN THE SUPERIOR COURT OF MCINTOSH COUNTY  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **ANSWER OF DEFENDANT NOVA LOGISTICS, INC. TO PLAINTIFF'S COMPLAINT** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed and by using the CM/ECF system which will send a notice of electronic filing to the following:

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The Williams Litigation Group, P.C.  
P.O. Box 279  
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J. Alan Welch  
J. Alan Welch Law  
2225 Gloucester Street  
Brunswick, GA 31520

Respectfully submitted this 26th day of March 2021.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

/s/Taylor L. Dove

Taylor L. Dove  
Georgia Bar No. 993210  
Attorney for Defendant Nova Logistics, Inc.

Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Email: [tdove@huntermaclean.com](mailto:tdove@huntermaclean.com)

MAR 26, 2021 09:54 AM

*Mandy Harrison*  
Mandy Harrison, Clerk  
McIntosh County, Georgia

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CARTAGENA and PROTECTIVE )  
INSURANCE COMPANY, )  
 )  
 DEFENDANTS. )

**ANSWER OF DEFENDANT MICHEL CARTAGENA TO PLAINTIFF'S  
COMPLAINT**

NOW COMES Michel Cartagena ("Defendant"), defendant in the above-styled action, and file this his Answer to the Complaint filed by Plaintiff Darian Moore (hereinafter "Plaintiff") as follows:

**FIRST DEFENSE**

Plaintiff fails to state a claim upon which relief may be granted and the Complaint should be dismissed.

**SECOND DEFENSE**

Plaintiff's Complaint should be dismissed for lack of jurisdiction over the subject matter, lack of jurisdiction over the person, improper venue, insufficiency of process and service of process, and failure to join all persons needed for just adjudication.

**THIRD DEFENSE**

Plaintiff's claims may be barred by the doctrine of sudden emergency or act of God.

**FOURTH DEFENSE**

Plaintiff's damages, if any, were caused by the intervening or supervening act of another person or entity.

**FIFTH DEFENSE**

Plaintiff's claims may be barred by the statute of limitations.

**SIXTH DEFENSE**

Plaintiff's claims may be barred, in whole or in part, by Plaintiff's failure to mitigate such damages.

**SEVENTH DEFENSE**

Defendant raises each and every affirmative defense which is required to be set forth in Defendant's pleadings pursuant to O.C.G.A. § 9-11-8(c), reserving unto himself the right to amend the pleading to set forth with specificity the basis for such defenses which may appear appropriate as a result of the evidence and legal principles involved which show the same to be applicable. Defendant has insufficient knowledge and information upon which to form a belief as to whether it may have additional, as yet unstated, separate defenses available. Defendant reserves the right to assert further defenses in the event that they determine that such defenses are appropriate.

**EIGHTH DEFENSE**

Subject to and without waiving the defenses asserted above, Defendant responds to the specific enumerated paragraphs of the Plaintiff's Complaint as follows:

1.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Plaintiff's Complaint.

2.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Plaintiff's Complaint.

3.

Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Plaintiff's Complaint.

5.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Plaintiff's Complaint.

#### **GENERAL ALLEGATIONS**

6.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Plaintiff's Complaint.

7.

Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8.

Defendant admits the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9.

Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Plaintiff's Complaint.

11.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

12.

Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13.

Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15.

Defendant denies the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16.

Defendant admits that he received a citation, but denies that he was driving under the influence.

17.

Defendant denies the allegations contained in Paragraph 17 of the Plaintiff's Complaint.

### **CAUSE OF ACTION**

#### **Count I – Negligence and Negligence Per Se**

18.

Defendant admits the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Plaintiff's Complaint.

21.

Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

**Count II – Punitive Damages**

22.

Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Complaint.

**Count III – Respondeat Superior**

23.

Defendant denies the allegations contained in Paragraph 23 of Plaintiff's Complaint, including all subparagraphs.

**Count IV – Third Party Contract Beneficiary Claims Against Defendant General Insurance**

24.

Defendant denies the allegations contained in Paragraph 24 of Plaintiff's Complaint.

**DAMAGES**

25.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Plaintiff's Complaint.

26.

Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Plaintiff's Complaint.

27.

Defendant denies the allegations contained in Paragraph 27 of the Plaintiff's Complaint.

**NINTH DEFENSE**

To the extent the Plaintiff's Complaint contains any allegations not responded to hereinabove, those allegations are hereby denied, including the entirety of the Plaintiff's Prayer for Relief.

WHEREFORE, having fully responded, Defendant respectfully requests as follows:

- a) That Plaintiff's Complaint be dismissed with prejudice and that all of Plaintiff's claims be denied;
- b) That all costs in this action be cast against Plaintiff;
- c) That this Honorable Court award any and all such further relief as it deems just and proper.

Respectfully submitted this 26th day of March 2021.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.

*/s/Taylor L. Dove*

---

Taylor L. Dove  
Georgia Bar No. 993210  
Bradley M. Harmon  
Georgia Bar No. 327097  
Attorneys for Defendant Michel Cartagena

200 East Saint Julian Street  
Post Office Box 9848  
Savannah, Georgia 31412-0048  
Telephone: 912.236.0261  
Facsimile: 912.236.4936  
Email: [tdove@huntermaclean.com](mailto:tdove@huntermaclean.com)  
Email: [bharmon@huntermaclean.com](mailto:bharmon@huntermaclean.com)

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I hereby certify that I have this day served a copy of the within and foregoing **ANSWER OF DEFENDANT MICHEL CARTAGENA TO PLAINTIFF'S COMPLAINT** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed and by using the CM/ECF system which will send a notice of electronic filing to the following:

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Brunswick, GA 31520

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/s/Taylor L. Dove

Taylor L. Dove  
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Attorney for Defendant Michel Cartagena

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